

Attorney Docket No.: 119941-1083

PATENT

REMARKS**Rejections under 37 C.F.R. §1.75(c)**

The specification and claims 76, 77 and 84 was objected to for the use of the term "transcriptional." Applicant accepts the Examiner's recommendation for the use of the term "transcription" in the claims, and has amended the claims appropriately. Those of skill in the art, however, will readily recognize that the term "transcriptional" as relates to factors that form a complex that assembles RNA monomers into transcripts is a distinction without a meaning. No less authority must be cited than Watson, et al., Molecular Biology of the Gene for the proposition that transcriptional units, i.e., the protein subunits, sequences and promoter locations that control transcription, are the fundamental segments of chromosomal activity. Thus, the use of the term "transcriptional" in the present specification by one of skill in the art, namely Dr. DeJong, is not repugnant to the usual meaning of the term (MPEP §608.01, see *In re Hill*, 161 F.2d 367, 73 U.S.P.Q. 582 (CCPA 1977)). Nor is the term confusing to those skilled in the art. Nevertheless, Applicant will amend the claims for the sole purpose of advancing the examination of the claims toward allowance. Withdrawal of the objections is respectfully requested.

In order to expedite prosecution and reduce the number of existing objections, the Applicant has cancelled claims 2, 33, 34, 68, 68 and 71-85 and has added claims 86-107, which are believed to address each of the following objections: being inconsistent as to the designation of "SEQ ID NO.:" and the use of the acronyms "ALF" and "SALF." Applicant believes that all the grounds for objection have been addressed and request withdrawal of all the objections.

Rejections under 35 U.S.C. § 112, 2nd Paragraph

Applicant believes that the new claims, which find support in the original claims as

Attorney Docket No.: 119941-1083

PATENT

claim an amino acid sequence, remove the language "functionally equivalent," "mature," "substantially homologous," "ALF," "SALF," "coding strands" and antecedent problems.

Applicant has amended the claims such that for a polypeptide to be within the scope of the claim, it must be at least 90 % identical to the stated amino acid sequence. The level of stringency claimed is clearly set forth in the specification on pages 19-20, and will be known to anyone of skill in the art of molecular biology and available presently in protocol books of worldwide distribution, e.g., Current Protocols in Molecular Biology or Molecular Cloning, without undue experimentation to achieve determine sequence identity.

Rejections under 35 U.S.C. § 112, 1st Paragraph

The claims have been replaced with new claims drafted in light of the Written Description Guidelines. The language of the new claims is believed to conform with the guidelines, and in addition, replace any objectionable language, namely the term "functionally equivalent."

Withdrawal of the rejection is respectfully requested.

Rejections under 35 U.S.C. §102

Applicant believes that the claims as amended overcome the 35 U.S.C. § 102 rejection based on Ma, et al. based on the new language of the claims. Withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicant respectfully requests that the Examiner reconsider and withdraw the outstanding objections and rejections, and allow claims 86-107. Applicant also requests that the Examiner call the undersigned for any reason that might advance this application to issue.

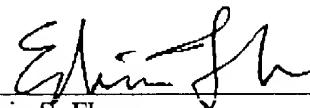
Attorney Docket No.: 119941-1083

PATENT

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple independent claims. Accordingly, no fee based on the number or type of claims is currently due.

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Respectfully submitted,
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Attorney Docket No.: 119941-1083

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jeff DeJong

Serial No.: 09/703,809

Filing Date: June 4, 1999

Art Group: 1652

Examiner: Richard Hutson

Title: TRANSCRIPTION FACTORS RELATED TO TFIIA**SN 09/703,809 Version with markings to show changes made.****Please cancel claims 2, 33, 34, 68, 68 and 71-85.****Please enter new claims 86-107:**

86. (New Claim) An isolated TFIIA α/β -like factor protein, wherein the protein comprises an amino acid sequence having greater than 90% amino acid sequence identity to SEQ ID NO.: 2.

87. (New Claim) The isolated protein of claim 86, wherein the protein has greater than 95% amino acid sequence identity to SEQ ID NO.: 2.

88. (New Claim) The isolated protein of claim 86, wherein the protein has greater than 98% amino acid sequence identity to SEQ ID NO.: 2.

89. (New Claim) The isolated protein of claim 86, wherein the protein comprises an amino acid sequence of SEQ ID NO.: 2.

90. (New Claim) The isolated protein of claim 86, wherein the protein is tagged with a polyhistidine epitope tag.

91. (New Claim) The isolated protein of claim 86, wherein the protein is the product of in vitro translation.

gene sequence set forth in SEQ ID NO.: 1

Attorney Docket No.: 119941-1083

PATENT

93. (New Claim) A fusion protein comprising a portion of the TFIIA α / β -like factor protein of claim 7 and a non-TFIIA α / β -like factor protein sequence.

94. (New Claim) The fusion protein of claim 93, wherein said TFIIA α / β -like factor further comprises an epitope tag.

95. (New Claim) The fusion protein of claim 93, wherein said TFIIA α / β -like factor further comprises a polyhistidine epitope tag.

96. (New Claim) The fusion protein of claim 93, wherein said non-TFIIA α / β -like factor protein is a transcription factor.

97. (New Claim) An isolated Stoned TFIIA α / β -like factor protein, wherein the protein comprises an amino acid sequence having greater than 90% amino acid sequence identity to SEQ ID NO.: 4.

98. (New Claim) The isolated protein of claim 97, wherein the protein has greater than 95% amino acid sequence identity to SEQ ID NO.: 4.

99. (New Claim) The isolated protein of claim 97, wherein the protein has greater than 98% amino acid sequence identity to SEQ ID NO.: 4.

100. (New Claim) The isolated protein of claim 97, wherein the protein comprises an amino acid sequence of SEQ ID NO.: 4.

101. (New Claim) The isolated protein of claim 97, wherein the protein is tagged with a polyhistidine epitope tag.

102. (New Claim) The isolated protein of claim 97, wherein the protein is the product of in vitro translation.

103. (New Claim) An isolated Stoned TFIIA α / β -like factor protein encoded by a polynucleotide comprising a nucleic acid sequence substantially homologous to the coding strand of the gene sequence set forth in SEQ ID NO.: 3.

104. (New Claim) A fusion protein comprising a portion of the Stoned TFIIA α / β -like

Attorney Docket No.: 119941-1083

PATENT

105. (New Claim) The fusion protein of claim 104, wherein said Stoned TFIIA α/β -like factor further comprises an epitope tag.

106. (New Claim) The fusion protein of claim 104, wherein said Stoned TFIIA α/β -like factor further comprises a polyhistidine epitope tag.

107. (New Claim) The fusion protein of claim 104, wherein said non- Stoned TFIIA α/β -like factor protein is a transcription factor.